

**TOWN OF LA POINTE
REGULAR TOWN BOARD MEETING
TUESDAY, JULY 12, 2011
AT 5:30 PM AT TOWN HALL**

Called to order at 5:39 PM

Present: Beth Fischlowitz, Jim Patterson, Greg Nelson, Ham Ross, Larry Whalen

Dept. Heads present: Jen Croonborg-Murphy

Others present: C. Meech, G. Russell

I. Public Comment Charlie Meech spoke about a letter [regarding 978 Big Bay Rd., which should have been 978 Middle Rd., Madeline Island School of the Arts: MISA]] he received from the zoning administrator, Jen Croonborg-Murphy. He stated that on advice of his attorney, he opposes any change in the language of his Conditional Use Permit. Gary Russell adds that the workshops at MISA are being attended and that people seem pleased with the school.

Jen Croonborg apologized for the error in the address of MISA.

II. Vouchers approved in the amount of \$26,284.21. HR/BF 5A Motion Carries [Clerk's note: due to a previously paid voucher having been submitted, the correct amount should be reduced by \$19.95. Correct total: \$26,264.26.]

IV. Treasurer's Report not available at this time.

V. Minutes

A. RTBM 6/28/11 approved as submitted. HR/BF 5A MC

VI. Public Works

A. Parks

1. BBTP Reservation System: Beth Fischlowitz presented the information she has compiled on the topic and asked that the rest of the supervisors look it over. She felt that all were similarly priced, but that the "Hercules" system seemed to be the best. The cost would be \$1500 for start up plus \$600-\$800 per year for maintenance. Greg Nelson asked about the man power that will be needed. BF replied that these decisions need some thought. She felt that the system would need the following: a laptop & phone line plus two trained people to operate it. No software is needed. The Town may need a merchant account as well for payment. She felt that these employee positions would be part-time year-round positions.

2. Email from Marina Lachecki: RE: questions re Anishinaabeg gathering: consensus to allow free camping at the Town Park and camping at the Rec Center & Memorial Park. Additionally, consensus that blocking off part of the Town Park would not be necessary at this time of year. Discussion regarding portable potties followed: they will be available at the Rec Center and Memorial Park.

B. Roads

1. Town Foreman's Report [requested postponement]

C. Harbor

D. MRF

1. MRF Supervisor's Report dated 7/10/11 placed on file by unanimous consent.

VII. Police

A. Police Chief's Report dated 7/7/11 placed on file by unanimous consent.

VIII. Emergency Services

A. Ambulance Service Report for June placed on file by unanimous consent.

B. Fire Department

1. Fire Chief's Report: not available; clerk is directed to write a letter in this regard.

2. Propane Tank Inspections

a. Letter from Mike Fauerbach dated 6/21/11 Greg Nelson asked why the Town should be inspecting propane tanks if it is not a requirement. [Clerk's note: the exact language is "Towns *may* inspect, not Towns *shall* inspect.] The Town can use a system whereby the propane providers give the Town a copy of the certificate of installation. Motion to dismiss any further activity and/or discussion regarding propane tank inspections as the implementation would be too difficult and expensive. JP/HR 5A MC

IX. Committees

A. Zoning

1. Zoning Administrator's Report dated 7/12/11 placed on file by unanimous consent.

Discussion followed regarding how much of the County's payment to the Town for the Zoning Administrator to act as Ashland County Assistant Zoning Administrator will be withheld during the upcoming ZA's maternity leave. The ZA also felt that Ashland County was unclear as to her leave dates.

2. Paul Brummer Complaint re: Craftivity, Inc. Zoning Administrator request to file a petition with the Town Plan Commission to amend/modify language of Craftivity, Inc. Conditional Use Permit per Zoning Ordinance Section 15(3)(d) Lengthy discussion, the points of which follow:

Charles Meech, the owner of this property was present and felt strongly that there is no need for a change in the language of the CUP.

Jen Croonborg-Murphy, the Zoning Administrator, explained that she has several courses of action available to her:

1. Dismissal: If the Town Plan Commission finds that the complaint is a violation, which they did, she doesn't see that she can do that.
2. Refer to another agency: the ZA felt that there is not another appropriate agency for referral
3. With Town Board approval, the ZA can issue orders of revocation, but the TPC did not feel this was necessary.
4. Issue a citation, but she has never done that before
5. File a petition with the TPC to clarify the language until both sides feel that the language is clear.

The ZA stated that she has no opinion regarding what decisions are made, but if the Town Board denies the application to file a petition, then the TCP interpretation stands. Then it would be up to the property owner to file a petition of objection.

Beth Fischlowitz asked what the owner would be objecting to.

J. Croonborg-Murphy responded: they would be objecting to the interpretation of the TPC.

B. Fischlowitz asked what would occur if no action were taken.

J. Croonborg-Murphy responded: then the decision stands.

B. Fischlowitz said that then the decision would stand.

J. Croonborg-Murphy stated that as the enforcement officer of the Zoning Department she would file a complaint requesting orders of revocation.

Greg Nelson stated that he had called the Town's attorney Mike Fauerbach and said that he [Greg Nelson] did not consider that the Chamber of Commerce's request to hold the Chequamegon Bay Chef's Tasting at Madeline Island School of the Arts was a violation of the CUP. Then he [Greg Nelson] heard about all the other activities being planned for the school [ie. Weddings] and felt those could be construed as questionable. Attorney Fauerbach felt that this part of the CUP needed interpretation: something between the broad interpretation of MISA and the restrictive interpretation of the Town Plan Commission.

Charlie Meech stated that he feels the language is very clear.

Ham Ross stated that clarification is a positive thing for MISA.

C. Meech disagreed.

J. Croonborg-Murphy stated that the TPC did not feel that the use shouldn't be allowed, but that according to the CUP it currently is not allowed.

Greg Nelson added that the Town Board cannot over rule the TPC but it can cause the a clarification to occur.

B. Fischlowitz stated that if the Town Board gives the ZA authority to file the petition, she will take it back to the TPC and they will add language to clarify.

G. Nelson stated that the request could be specific as to the two parts of the agreement that contradict themselves, that Mike Fauerbach says are open to argument.

B. Fischlowitz stated that the Public Hearing can just be heard on the specific language that needs to be changed.

C. Meech asked what would happen if he appeals.

B. Fischlowitz stated that if the Zoning Board of Appeals does not give him relief, then he would go to court.

C. Meech stated that the language of the CUP has already been agreed to.

G. Nelson pointed out that when you agree to something and then you it's tested, you sometimes find things you didn't think about. Then you need to modify.

Motion to authorize the Zoning Administrator to file a petition with the Town Plan Commission to amend/modify language of the Craftivity Conditional Use Permit. HR/JP. 4A 1 Ab [LW] MC

B. Housing Authority

1. One member needed for a term ending July 1, 2014. Jen Croonborg-Murphy said that she would sign up.

X. Town Hall Administration

A. Budget Report not available

B. General Code

1. Review Draft of the Code for the Town of La Pointe

2. Charge for the CD for Town Code

Both postponed till the next Regular Town Board Meeting

C. Management Representation Letter from Maitland, Singler & Van Vlack: postponed

D. Resolution #2011-0712 Appointing an Alternate to the Board of Review: Resolution #2011-0712 appointing Glenn Carlson & Carol Neubauer as alternates was passed previously. The Resolution was signed.

E. Agreement for purchase of LP Gas by Town of La Pointe: motion to approve the agreement for the purchase of LP gas for the Town of La Pointe as modified and delivered to Town Board for tonight's meeting [7/12/11]. BF/JP. Discussion regarding the meaning of "keep filled." Larry Whalen asked if there is a way to obtains proposals for just the non-ferry season. 5A MC

XI. New Agenda Items for Future Meetings

A. Treasurer's Report

B. Fire Chief Report

C. Budget report

D. General Code

E. Management letter for Maitland et.al.

F. Foreman's Report

G. Housing Authority Appointment

H. Review of inland marine blanket tools and equipment coverage

I. Zoning Administrator Leave: how much is County going to withhold

J. Adding another white arrow at the end of Middle Road that will say "Public Beach."

XII. Lawsuits & Legal Issues

XIII. Liquor & Operators' Licenses

A. Elizabeth Coleman: motion to approve: JP/HR 5A MC

B. Kelsey Peterson: paperwork not available

XIV. Adjournment at 6:55 PM.

Submitted by Patty Hobin, Town Clerk

Approved as submitted on 8/9/11

Patty Hobin

Town Clerk